IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1464 OF 2007

M/s. Saikripa Enterprises and anr. ..Petitioners

Vs.

State of Maharashtra and anr. ..Respondents

Mr. J.M. Chodankar for petitioners.
Mr. P.A. Pol, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : August 10, 2007.

P.C.:

1. Heard the learned counsel for the petitioners who are the accused in C.C. No. 427/SS/2005 and in the said complaint the learned Magistrate had issued the process which came to be challenged in Criminal Revision Application No. 1217 of 2006. The revision application has been dismissed on 11/1/2007 by the learned Additional Sessions Judge and hence this petition under Article 227 of the Constitution.

2. It was not disputed that the petitioners had

issued a cheque and that it was dishonoured and the cheque was drawn in favour of the complainant. In the revision application the petitioners had disputed the liability and further contended that the dispute was of civil nature between the builder - accused and the complainant-purchaser of the land. The nature of the dispute or the cheque having been issued against a legally enforceable liability are the issues which would have to be gone into after the parties adduce evidence. The order of issuance of process cannot be set aside on the ground that the accused were disputing the liability or that the liability was of civil nature. The learned Additional Sessions Judge, therefore, rightly rejected the revision application and no interference is called for in the same order.

3. Hence, the petition is rejected summarily.

(B.H. Marlapalle,J.)